



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 26739752

Date: JUNE 12, 2023

Appeal of Vermont Service Center Decision

Form I-360, Petition for Abused Spouse or Child of U.S. Citizen

The Petitioner seeks immigrant classification as an abused spouse of a U.S. citizen under the Violence Against Women Act (VAWA) provisions codified at section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii). The Director of the Vermont Service Center denied the Form I-360, Petition for Abused Spouse or Child of U.S. Citizen (VAWA petition), concluding that the Petitioner did not establish he entered into a qualifying marriage to his spouse in good faith, shared a residence with his U.S. citizen spouse, or that he was battered or subjected to extreme cruelty by his spouse. The matter is now before us on appeal. 8 C.F.R. § 103.3. On appeal, the Petitioner contends that he has established eligibility for the benefit sought.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

A VAWA petitioner must establish, among other requirements, that they entered into the qualifying marriage to the U.S. citizen spouse in good faith and not for the primary purpose of circumventing the immigration laws. Section 204(a)(1)(A)(iii)(I)(aa) of the Act; 8 C.F.R. § 204.2(c)(1)(ix). Evidence of a good faith marriage may include documents showing that one spouse has been listed as the other's spouse on insurance policies, property leases, income tax forms, or bank accounts; evidence regarding their courtship, wedding ceremony, shared residence, and experiences; birth certificates of any children born during the marriage; police, medical, or court documents providing information about the relationship; affidavits from individuals with personal knowledge of the relationship; and any other credible evidence. 8 C.F.R. § 204.2(c)(2)(i), (vii). Although we must consider any credible evidence relevant to the VAWA petition, we determine, in our sole discretion, what evidence is credible and the weight to give to such evidence. Section 204(a)(1)(J) of the Act; 8 C.F.R. § 204.2(c)(2)(i).

II. ANALYSIS

The Petitioner married J-R-¹ a U.S. citizen, in 2018. In 2021, he filed the instant VAWA petition based on this marriage. The Director denied the petition, concluding, in part, that the Petitioner did not submit sufficient evidence establishing that he married his spouse in good faith. Specifically, the Director noted that the Petitioner's statements and third-party affidavits provided only brief details regarding the couple's courtship, shared experiences before or during their married life, or the Petitioner's intentions in entering into the marriage, which could shed light on the bona fides of the marital relationship. The Director also highlighted that the record contained inconsistent information regarding how and when the Petitioner met J-R-².

Upon de novo review, we adopt and affirm the Director's decision with the comments below. See *Matter of P. Singh, Attorney*, 26 I&N Dec. 623 (BIA 2015) (citing *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); see also *Chen v. INS*, 87 F.3d 5, 7-8 (1st Cir. 1996) ("[I]f a reviewing tribunal decides that the facts and evaluative judgments rescinding from them have been adequately confronted and correctly resolved by a trial judge or hearing officer, then the tribunal is free simply to adopt those findings" provided the tribunal's order reflects individualized attention to the case).

On appeal, the Petitioner submits an updated personal statement wherein he states the following:

I would like to apologize for the inconsistencies in my paperwork, but it wasn't my fault. My lawyer is one of the most disorganized people I have ever met and when one of the secretaries was helping me write my statement in English but things weren't written correctly. My marriage was always a real marriage. I loved my wife to death; J-R- was my everything because we had a relationship as friends before even getting married, so I knew what I was getting into. I met her through my friend which was her cousin's husband. We met in a party dinner where I was invited to. This party occurred in 2016 not the end of 2017. This was a mistake that the secretary put because she was attending more than one person at a time . . . In 2016 I met J-R-. We started talking and became good friends. By the end of 2016 we were already a couple. We would go on dates. We loved going to eat at different restaurants around the city. We never fought at the beginning of our relationship because we were taking things slow. . . Our relationship was 100 percent real, and it became so serious that we were trying to get pregnant. We tried for a very long time, and she couldn't get pregnant. This frustrated us so much that she decided to get a life insurance and she put me as one of the beneficiaries. This was something that we couldn't understand, but we were so in love that we decided to get married. We made a commitment to each other that we were always going to be the best of friends no matter what. We made a commitment to marry each other because of everything we had gone through trying to get pregnant and because we knew that we were meant to be together. We decided to get married on [] 2018 Her mother [] lived with us the whole time that I was with her. This is one of the people that wrote a letter because

¹ We use initials to protect the privacy of individuals.

² Specifically, in his statements, the Petitioner indicated that he met J-R- in 2017 through a friend at a party and they married in 2018. However, during his psychological evaluation, he indicated that he met J-R- through her cousin, approximately two years prior to their marriage.

she knew the person I was with her daughter and how our relationship was real and how her daughter just switched on me and became my enemy.

While we acknowledge the Petitioner's explanation for the inconsistencies in the evidence submitted to the Director, the record, including the Petitioner's updated statement, nonetheless lacks probative details about his intent in marrying J-R-, their courtship, details of their wedding ceremony, their personal routines after marriage, or their shared marital experiences. Further, the previously submitted third-party affidavits only provide a general description of the Petitioner's relationship with J-R-, and thus, do not provide further insight into the Petitioner's state of mind at the time of marriage or contain specific, probative details regarding the affiants' experiences with the Petitioner and J-R-. Specifically, all of the affidavits consist of one paragraph indicating that the affiant knew the Petitioner and J-R- as a married couple and witnessed one or two incidents that revealed the problems in the marriage. In addition, as noted by the Director, while the Petitioner submitted copies of bank statements, the statements did not reflect a commingling of resources or indicate that the bank account was used to pay household expenses. Further, aside from the previously submitted life insurance documentation and photos, the record does not contain evidence of jointly held accounts or other documentation establishing the Petitioner's intentions at the time of the marriage or that his marriage was entered into in good faith.

Based on the foregoing, the Petitioner has not submitted evidence sufficient to establish a good faith marriage. Consequently, he has not demonstrated that he is eligible for immigrant classification under VAWA.³

ORDER: The appeal is dismissed.

³ As noted above, the Director determined the Petitioner did not establish that he shared a residence with his U.S. citizen spouse or that he was battered or subjected to extreme cruelty by his spouse. Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve these additional issues. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (noting that "courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); see also *Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).